

PATENT COOPERATION TREATY



From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2005/003820

International filing date (day/month/year)
28.02.2005

Priority date (day/month/year)
01.03.2004

International Patent Classification (IPC) or both national classification and IPC
H04L1256

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Mircescu, A

Telephone No. +49 89 2399-7645



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-18
Inventive step (IS)	Yes: Claims	
	No: Claims	1-18
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

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International application No.

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Following documents are referenced to:

- D1: US-A-5 430 843 (SATO ET AL) 4 July 1995 (1995-07-04)
D2: US-B1-6 671 284 (YONGE, III LAWRENCE W ET AL) 30 December 2003
(2003-12-30)

A. Citations and explanations with respect to Item V

0. It is considered appropriate (for purely technical reasons) to discuss claim 18 before claim 1.
1. Document D1 which is considered to represent the closest prior art discloses according to all features of claim 18
- (Ω) a method executed in a terminal whose opportunity to access a communication medium is controlled
(see D1, column 4, lines 3-8: "transmission ... control circuit MAC (Media Access Control)": this describes the access of a terminal)
in accordance with a control frame issued from a control station connected to a network
(see D1, column 5, lines 26-30: "station has obtained the right to transmit, ... control circuit activates transmission control signal": this describes a control station issuing a control frame (named signal in D1)),
the method comprising the steps of:
- (a) detecting the control frame issued from the control station
(see D1, column 4, lines 9-13: "detection decision circuit ... decides ... the presence ... of a frame": this describes the detection of the control frame mentioned in the second citation of point (Ω) above);
- (b) storing control information contained in the control frame
(see D1, column 3, lines 49-55: "RAM in which primary data is stored" and column 4, lines 13-16: "compares the content ... with that of a holding circuit": these citations disclose that all data is stored and that the control frame of (a) is stored and compared with a reference frame stored in the memory);

- (c) determining to issue a substitute frame when the control frame is not detected until a predetermined first time period is elapsed
(see D1, column 4, lines 30-34: "A substitute frame send timer detects when there has been no frame for a preset prescribed time";
- (d) creating a frame which is the same as or equivalent to the control frame, as the substitute frame, based on the stored control information when it is determined to issue the substitute frame
(see D1, column 6, lines 17-24: "absence of any frame on the transmission line for a given time ... sending a substitute frame": this describes the creation of the substitute frame; column 4, lines 13-16: "compares the content ... with that of a holding circuit": this discloses that all data is stored and that the control frame of (a) is stored and compared with a reference frame stored in the memory; that the substitute frame is equivalent to the control frame can be seen from column 6, lines 23-24: "can function as a master station": this indicates that the substitute frame does not affect the context of the master station, and this implies that this frame is equivalent to the control frame normally issued);
and
- (e) issuing the created substitute frame
(see D1, column 6, lines 17-24: "absence of any frame on the transmission line for a given time ... sending a substitute frame": this describes the creation and sending of the substitute frame).

The subject matter of claim 1 is therefore not new (Art 33(2) PCT).

- 2. Claim 1 relates to an apparatus comprising apparatus features corresponding to the method features defined by claim 18. The above objections with respect to claim 18 are thus applicable mutatis mutandis to this claim. Therefore, the subject matter of claim 1 is also not new (Art 33(2) PCT).
- 3. Dependent claims 2-17 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, are novel for the reason that the subject matter of said claims is disclosed in document D1 (see in particular figures 1-4; column 2, lines 13-41; column 3, lines 49-62; column 4, lines 3-46; column 5, lines 1-37; column 6, lines 17-41; column 7, lines 51-57).

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The subject matter of dependent claims 2-17 therefore is not new, Art 33(2) PCT.

B. Explanations with respect to Item VII

1. The applicant's attention is drawn to the following matters, which should as well be considered:
 - 1.1 To meet the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in documents D1 and D2 should be acknowledged in the description.
 - 1.2 The opening part of the description should be brought into conformity with the wording of any new or amended independent claim, Rule 5.1(a)(iii) PCT.
 - 1.3 To meet the requirements of Rule 6.3(b) PCT, any independent claim should be correctly cast in the two-part form, with those features which in combination are part of the nearest prior art being placed in the preamble.
 - 1.4 Reference signs in parentheses should be inserted in all claims to increase their intelligibility, Rule 6.2(b) PCT. This applies both to the preamble and to the characterizing portion.
2. The attention of the applicant is drawn to the fact that the application may not be amended in such a way that it contains subject matter which extends beyond the content of the application as filed, Art 34(2)(b) PCT.

In his letter of reply, the applicant should indicate the parts of the originally filed application serving as a basis for subject matter newly introduced into the claims.

3. The applicant is requested to file amendments by way of replacement pages in accordance with Rule 66.8 PCT.